

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

UNITED STATES OF AMERICA,)

Plaintiff,)

vs.)

Case No. 05-00191-01-CR-W-GAF

ELIJAH I. JONES,)

Defendant.)

ORDER

Now pending before the Court is defendant's Motion to Suppress Evidence and Statements on the grounds that the initial search of the defendant's vehicle did not fall within any exception to the warrant requirement, and all fruits of that search are tainted by the unlawful nature of that search. Defendant also argues that the search warrants were invalid because the state court judges who issues the warrants did not have jurisdiction over the federal nature of the case. Defendant further argues that the residential search warrant lacked probable cause.

On July 6, 2005, United States Magistrate Judge Robert E. Larsen conducted an evidentiary hearing. On July 29, 2005, Judge Larsen issued his Report and Recommendation. Defendant filed his objections to the Report and Recommendation on August 15, 2005.

Upon careful and independent review of the pending motion, defendant's objections to the Magistrate's Report and Recommendation, as well as the applicable law, this Court hereby adopts and incorporates as its own Opinion and Order the Report and Recommendation of United States Magistrate Judge Robert E. Larsen.

Accordingly, it is hereby ORDERED that Defendant's Motion to Suppress Evidence and

Statements (Doc. #24) is OVERRULED and DENIED.

SO ORDERED.

/s/ Gary A. Fenner
GARY A. FENNER, JUDGE
United States District Court

DATED: August 17, 2005